

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:12-cr-00015-MR-DLH**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
ROBERT KEITH OWENS,)	
)	
Defendant.)	
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THIS MATTER is before the Court on the Government's Motion for an Order that Funds Held by the Federal Bureau of Investigation Be Applied to Restitution [Doc. 37].

The Government moves the Court for an Order requiring the Federal Bureau of Investigation to apply funds in partial satisfaction of the outstanding restitution imposed against the Defendant. Specifically, the Government seeks funds in the amount of \$10,000.00, FBI evidence item no. 1B2, and \$680.00, FBI evidence item no. 1B3, which are currently being held by the FBI. The Government contends that these funds were recovered by the FBI during the investigation of the Defendant. [Doc. 37].

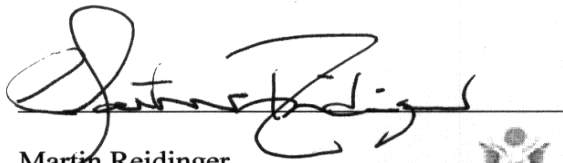
Courts have recognized that the Government may apply funds seized from a defendant toward outstanding monetary criminal penalties, such as

restitution. See, e.g., Lawson v. United States, No. AW-09-1778, 2010 WL 152046, at *1 (D. Md. Jan. 13, 2010) (denying defendant's motion for return of property and directing FBI to remit currency seized from defendant to the Clerk of Court); United States v. Davis, No. 98-CR-30023-MJR, 2007 WL 2994075, at *1 (S.D. Ill. 2007) (directing FBI to turn over seized currency to Clerk of Court). Here, however, the Government has not provided the Court with any factual basis from which the Court could find that these funds were seized from the Defendant or could otherwise properly be applied to his restitution obligation. For these reasons, the Government's motion will be denied without prejudice.

IT IS, THEREFORE, ORDERED that the Government's Motion for an Order that Funds Held by the Federal Bureau of Investigation Be Applied to Restitution [Doc. 37] is **DENIED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Signed: April 8, 2015


Martin Reidinger
United States District Judge

